

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICKEY CALHOUN,

Plaintiff,

v.

SPECIAL COMMITMENT CENTER,
WASHINGTON STATE
DEPARTMENT OF SOCIAL HEALTH
SERVICES *et al.*,

Defendants.

Case No. C08-5101RBL/JKA

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, [Dkt. #99], and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' motion for judgment on the pleadings is **GRANTED IN PART AND DENIED IN PART** consistent with the Report and Recommendation.
- (3) No claim prior to May 1 2006, will be considered as any claim prior to that should have been or could have been addressed in the state action, Calhoun I.
- (4) The only remaining claim is the claim for retaliation for filing complaints and the legal action in state court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (5) The remaining defendants are Dr. Richards, in his official capacity for injunctive purposes, and defendants Galbraith, D. Anderson, and O'Connor.
- (6) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 12th day of March, 2009.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE